

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

ELAINE L. CHAO, SECRETARY OF LABOR,	)	CIVIL ACTION
UNITED STATES DEPARTMENT OF LABOR,	)	
Plaintiff,	)	CASE NO.
v.	)	
STATE OF WASHINGTON, DEPARTMENT	)	<b>COMPLAINT – Labor</b>
OF SOCIAL AND HEALTH SERVICES,	)	29 U.S.C. §201, <i>et seq.</i>
Defendants	)	

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I

Plaintiff brings this action, pursuant to Section 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 *et seq.*), (“the Act”), to enjoin Defendant from violating the provisions of Sections 15(a)(2) and 15(a)(5) of the Act. Plaintiff also and separately brings this action, (1) pursuant to Section 16(c) of the Act for the recovery of a Judgment against Defendant for unpaid overtime compensation due Defendant’s employees employed as case-carrying Social Worker IIs and case-carrying Social Worker IIIIs, and liquidated damages in an amount equal thereto, or in the event liquidated damages are not awarded, pre-judgment interest computed on the unpaid wages due, and (2) pursuant to Section 17 of the Act for recovery of a Judgment restraining the Defendant from withholding payment of unpaid overtime compensation due Defendant’s employees plus pre-

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1 judgment interest computed thereon.

2 II

3 Jurisdiction of this action is conferred by Sections 16(c) and 17 of the Act and 28 U.S.C. §§  
4 1331 and 1345.

5 III

6 Defendant is the Department of Social and Health Services, a Washington State agency  
7 represented by the Attorney General, with facilities employing public employees throughout the  
8 state with its headquarters at 1115 Washington Street, SE, Olympia, WA 98504, within jurisdiction  
9 of this Court.

10 IV

11 At all relevant times Defendant has been a public agency in the state of Washington and  
12 employed people in its offices to fulfill its purpose. Said employees, by reason of their employment  
13 at a public agency were and are engaged in commerce within the meaning of the Act. Public  
14 agencies are, by statute, engaged in commerce or in the production of goods for commerce. 29  
15 U.S.C. § 203(s)(1)(C). The FLSA's provisions apply to any employer whose employees are engaged  
16 in commerce or in the production of goods for commerce. 29 U.S.C. § 202(a).

17 V

18 Defendant has repeatedly violated and is violating the provisions of Sections 7 and 15(a)(2)  
19 of the Act by employing many of their employees engaged in commerce or in the production of  
20 goods for commerce, or in an enterprise engaged in commerce or in the production of goods for  
21 commerce, for workweeks longer than forty (40) hours since February 18, 2006, without  
22 compensating said employees for their employment in excess of 40 hours in such work weeks at  
23 rates not less than one and one-half the regular rates at which they were employed.

24 VI

25 Defendant has violated the provisions of sections 11 and 15(a)(5) of the Act (29 U.S.C. §§  
26 211 and 215(a)(5)) by failing to make, keep, and preserve records of the wages, hours, and other  
27 conditions and practices of employment maintained by the Defendant, as required by the Act.

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VII

Defendant has violated the monetary provisions of the Act as alleged in paragraph 5 above, and, as a result, Defendant is liable for unpaid overtime compensation under Section 16(c) of the Act.

WHEREFORE, cause having been shown, Plaintiff prays for a Judgment against Defendant as follows:

(1) For an Order pursuant to Section 17 of the Act permanently enjoining and restraining Defendant, including officers, agents, servants, employees, and all persons acting in their behalf and interest, from prospectively violating the provisions of Sections 15(a)(2) and 15(a)(5) of the Act; and

## (2) For an Order

(a) pursuant to Section 16(c) of the Act finding Defendant liable for unpaid overtime compensation found by the Court to be due Defendant's employees, and liquidated damages equal in amount to the unpaid compensation found due Defendant's employees (named in the attached Exhibit "A") employed as case-carrying Social Worker IIs and case-carrying Social Worker IIIs, or, in the event liquidated damages are not awarded, pre-judgment interest computed on the unpaid wages due, and

(b) pursuant to Section 17 enjoining and restraining the Defendant, its officers, agents, servants, employees, and all persons acting in its behalf and interest from withholding payment of unpaid overtime compensation found due Defendant's employees and pre-judgment interest computed at the underpayment rate established by the Secretary of Treasury pursuant to 26 U.S.C. § 6621; and

(3) For an Order granting such other and further relief as may be necessary and appropriate.

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Respectfully submitted this 30th day of July, 2008.

Gregory F. Jacob  
Solicitor of Labor

Lawrence Brewster  
Regional Solicitor

Bruce L. Brown  
Associate Regional Solicitor

Jeannie Gorman  
Senior Trial Attorney

[6] *Lacunaria Corvinorum*

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